

**CITY OF NEWPORT BEACH
PLANNING COMMISSION
STAFF REPORT**

August 22, 2013 Meeting
Agenda Item 2

SUBJECT: Hormann Variance - (PA2013-086)
417 and 419 E. Balboa Boulevard
▪ Variance No. VA2013-002

APPLICANT: John Loomis, Thirtieth Street Architects, Inc.

PLANNER: Benjamin M. Zdeba, Assistant Planner
(949) 644-3253, bzdeba@newportbeachca.gov

PROJECT SUMMARY

The applicant proposes to maintain/remodel the existing 1,785-square-foot duplex and to add 1,989 square feet on the rear of the property including a two-car garage and attached two-car carport. All new construction will comply with the Zoning Code-required development standards. The existing duplex is nonconforming because it encroaches into the required 3-foot side setbacks and 5-foot front setback. Additions to nonconforming structures are limited to 50 percent of the existing floor area. A variance is required for the proposed project as it would result in a 111-percent addition.

RECOMMENDATION

- 1) Conduct a public hearing; and
- 2) Adopt Resolution No. ____ denying Variance No. VA2013-002 (Attachment No. PC 1).

VICINITY MAP



GENERAL PLAN



ZONING



LOCATION	GENERAL PLAN	ZONING	CURRENT USE
ON-SITE	Two-Unit Residential (RT)	Two-Unit Residential (R-2)	Duplex
NORTH	Two-Unit Residential (RT)	Two-Unit Residential (R-2)	Duplexes
SOUTH	Two-Unit Residential (RT)	Two-Unit Residential (R-2)	Duplexes
EAST	Two-Unit Residential (RT)	Two-Unit Residential (R-2)	Duplexes
WEST	Two-Unit Residential (RT)	Two-Unit Residential (R-2)	Duplexes

INTRODUCTION

Project Setting

The property is located on the eastern portion of the Balboa Peninsula between Coronado Street and Adams Street. It is a typical 30-foot-wide by 90-foot-deep lot that is rectangular in shape and topographically flat.

Project Description

The applicant proposes to maintain and remodel the existing 1,785-square-foot duplex and to add 1,989 square feet. The existing structure is nonconforming because it encroaches into the required 3-foot side setbacks and 5-foot front setback. Although all new construction will comply with the Zoning Code-required development standards, the existing nonconforming structure will remain. Additions to nonconforming structures are limited to 50 percent of the existing floor area by Newport Beach Municipal Code ("NBMC") Section 20.38.040 (Nonconforming Structures) of the Zoning Code. A variance is required for the proposed project as it would result in a 111-percent addition (61 percent over the allowable limitation).

The proposed project will maintain the existing ground unit and add a two-car garage (345 square feet) with an attached two-car carport to the rear of the property. Connected to the garage will be a sun/laundry room along with a full bathroom and storage closets (195 square feet). The upper unit will be expanded by 1,449 square feet including a 947-square-foot addition above the garage and carport areas and a 502-square-foot third-floor master bedroom and bathroom. Also proposed is a 608-square-foot roof deck and 187 square feet of additional deck area on the second floor.

Background

The existing 1,785-square-foot structure was built in 1940 within the Commercial (C-1) Zoning District as mixed-use with a commercial storefront at the ground floor and one residential apartment above. Given that the lot was developed in a commercial district, no front or side setbacks were required and the structure was constructed to the side and front property lines. After it was initially developed, Districting Map No. 11 was adopted to require a 5-foot front setback along East Balboa Boulevard.

In 1951, the existing commercial storefront was converted into a residential unit which created a residential duplex on the property.

On February 14, 1972, City Council adopted Ordinance No. 1425 which changed the zoning classification from C-1 to Two-Unit Residential (R-2). Since the R-2 District requires 3-foot side setbacks, the structure became nonconforming. In the 1970s after the rezoning to R-2, four of the properties within the subject block were redeveloped as duplexes in compliance with the setback requirements.

On September 12, 1994, City Council adopted Ordinance No. 94-44 which placed the block into the Balboa Village Specific Plan (SP-8) Zoning District as Residential Professional (RP). The RP designation required 3-foot side setbacks, so the subject structure remained nonconforming. In 2001 two of the properties on the block were redeveloped with single-family residences in 2001 and one mixed-use structure was converted to a single-family use and was subsequently remodeled in 2007. This structure encroaches into the 5-foot front setback; however, it still provides the required 3-foot setbacks.

The 2010 Zoning Code update returned the block to Two-Unit Residential (R-2) and current development standards require 3-foot side setbacks in addition to the 5-foot front setback along East Balboa Boulevard. Six of the other eight properties on the block have been redeveloped and comply with the required setbacks.

DISCUSSION

Analysis

General Plan & Coastal Land Use Plan

The subject property is designated “Two-Unit Residential” (RT) by the Land Use Element of the General Plan (“GP”) and “Two-Unit Residential” (RT-E) by the Coastal Land Use Plan (“CLUP”) of the Newport Beach Local Coastal Program.

Land Use Policy 5.1.5 of the GP states that compatibility with neighborhood development in density, scale, and street facing elevations should be considered a guiding principle for residential development. Similarly, Policy 2.7-1 of the CLUP states the City should continue to maintain appropriate setbacks and density, floor area, and height limits for residential development to protect the character of established neighborhoods and to protect coastal access and coastal resources.

Although the proposed density is consistent with what is allowed by both the GP and CLUP, the proposed project will substantiate an existing nonconforming structure that is incompatible with the surrounding neighborhood inasmuch as the setback encroachments create a building façade that appears larger and out of scale.

Zoning Code

The existing structure was initially made nonconforming by the establishment of Districting Map No. 11 in 1950 which created a required 5-foot front setback along East Balboa Boulevard. Subsequently in 1972, the rezoning of the property from Commercial (C-1) to Two-Unit Residential (R-2) caused the structure to become more nonconforming as the development standards prescribed 3-foot side setbacks. Pursuant to NBMC Section 20.18.030 (Residential Zoning Districts General Development

Standards) and Setback Map S-2-E, 3-foot side setbacks and a 5-foot front setback are required. Given that the existing structure is considered legal nonconforming, due to encroachments into the front and side setbacks, it is subject to NBMC Section 20.38.040 (Nonconforming Structures) which limits additions to 50 percent of the existing gross floor area within a 10-year period.

Variance Request

The existing structure is legal nonconforming because it encroaches into the required front and side setback areas; therefore, it is subject to the development restrictions prescribed by NBMC Section 20.38.040 (Nonconforming Structures) which limits additions to 50 percent of the existing gross floor area. In this case, a maximum addition of 892.5 square feet would be allowed. The applicant requests an approval of a variance to allow maintenance of the existing nonconformities in conjunction with a 111-percent addition (1,989 square feet) to the rear of the property.

Section 20.52.090.F (Variances, Findings and Decision) of the Zoning Code requires the Planning Commission to make the following findings before approving a variance:

- A. *There are special or unique circumstances or conditions applicable to the subject property (e.g., location, shape, size, surroundings, topography, or other physical features) that do not apply generally to other properties in the vicinity under an identical zoning classification;*
- B. *Strict compliance with Zoning Code requirements would deprive the subject property of privileges enjoyed by other properties in the vicinity and under an identical zoning classification;*
- C. *Granting of the Variance is necessary for the preservation and enjoyment of substantial property rights of the applicant;*
- D. *Granting of the Variance will not constitute a grant of special privilege inconsistent with the limitations on other properties in the vicinity and in the same zoning district;*
- E. *Granting of the Variance will not be detrimental to the harmonious and orderly growth of the City, or endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the neighborhood; and*
- F. *Granting of the Variance will not be in conflict with the intent and purpose of this Section, this Zoning Code, the General Plan, or any applicable specific plan.*

Staff believes that none of the findings for approval of the variance request can be made.

The surrounding area is primarily developed with residential duplexes which maintain the required setbacks. Most of the properties appear to comply with the 5-foot front setback requirement as the built structures are setback from the street.

The existing structure on the subject property encroaches into the entirety of both 3-foot side setbacks and 3 feet 7 inches into the 5-foot front setback. These encroachments contribute to an inconsistent development pattern along East Balboa Boulevard as shown in the figure below.



Relative to Findings 'A', 'B', 'C', and 'F', there are no special or unique circumstances that warrant the granting of a variance and other properties within the vicinity are granted the same provisions when a nonconforming condition exists. Pursuant to NBMC

Section 20.38.040 (Nonconforming Structures), nonconforming structures are limited to an addition that is 50 percent of the existing gross floor area of the existing structure within any 10-year period. The intent of this limitation is to allow orderly development while encouraging nonconformities to become conforming over time. All structures that are considered nonconforming are granted this same privilege by the Zoning Code. Granting of the variance request to allow a 111-percent addition to the existing structure could be considered a special privilege as other properties are limited to a 50-percent addition. Additionally the lot is rectangular in shape, relatively flat, and not constrained by topography.

With respect to Finding 'D', granting of the variance request could constitute granting of a special privilege. Six of the eight other properties on the immediate block have redeveloped as conforming duplex or single-family structures. Of the remaining two, the property at 403 East Balboa Boulevard was developed as a seven-unit apartment complex in 1959 and remains legal nonconforming. The property at 407 East Balboa Boulevard is a legal nonconforming single-family structure that encroaches 5 feet into the required 5-foot front setback, but maintains the code-required 3-foot side setbacks. It should be noted this nonconforming structure was granted a modification permit in 2007 to allow an addition between 25 and 50 percent of the existing gross floor area – an amount that is now allowed by right in the current Zoning Code.

It is acknowledged the structure has existed for 73 years without proving detrimental and Finding 'E' could be supported; however, staff believes the code allowance of a 50-percent addition allows reasonable development of the property and in this case all findings for approval cannot be made.

Alternatives

The Planning Commission may determine that the findings for approval can be made and approve the variance by adopting the draft resolution for approval (Attachment No. PC 2).

The Planning Commission may also make the same findings for approval, but may approve a modified project for a smaller addition.

Environmental Review

Pursuant to Section 15270 of the California Environmental Quality Act (CEQA) Guidelines, projects which a public agency rejects or disapproves are not subject to CEQA review.

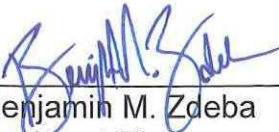
Should the Planning Commission act to approve the request, the project would be categorically exempt under Section 15303, of the California Environmental Quality Act (CEQA) Guidelines – Class 3 (New Construction or Conversion of Small Structures). This exemption includes construction of a duplex in a residential area. The proposed

project is a substantial addition to an existing duplex to be constructed in the R-2 (Two-Unit Residential) Zoning District.


Public Notice

Notice of this application was published in the Daily Pilot, mailed to all owners of property within 300 feet of the boundaries of the site (excluding intervening rights-of-way and waterways) including the applicant and posted on the subject property at least 10 days before the scheduled meeting, consistent with the provisions of the Municipal Code. Additionally, the item appeared on the agenda for this meeting, which was posted at City Hall and on the City website.

Prepared by:


Benjamin M. Zdeba
Assistant Planner

Submitted by:


Brenda Wisneski, AICP, Deputy Director

ATTACHMENTS

- PC 1 Draft Resolution for Denial
- PC 2 Draft Resolution for Approval
- PC 3 Applicant's Justification
- PC 4 Applicant's Letter of July 23, 2013
- PC 5 Project Plans

Attachment No. PC 1

Draft Resolution for Denial

RESOLUTION NO. ____

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF NEWPORT BEACH DENYING VARIANCE NO. VA2013-
002 TO ADD MORE THAN 50 PERCENT OF THE EXISTING
FLOOR AREA TO A NONCONFORMING DUPLEX LOCATED AT
417 AND 419 EAST BALBOA BOULEVARD (PA2013-086)**

THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS
FOLLOWS:

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by John Loomis of Thirtieth Street Architects, Inc. on behalf of the property owner, with respect to property located at 417 and 419 East Balboa Boulevard, and legally described as Lot 8 of Block 4 of Tract Balboa in the county of Orange, State of California, as per Map recorded in Book 4, Page 11 of Miscellaneous Maps, in the Office of the County Recorder of said County requesting approval of a variance.
2. The applicant proposes to maintain/remodel the existing 1,785-square-foot duplex and to add 1,989 square feet on the rear of the property including a two-car garage and attached two-car carport. All new construction will comply with the Zoning Code-required development standards. The existing duplex is nonconforming because it encroaches into the required 3-foot side setbacks and 5-foot front setback. Pursuant to the Zoning Code, additions to nonconforming structures are limited to 50 percent of the existing floor area. Therefore, a variance is required to approve the proposed project as it would result in a 111-percent addition.
3. The subject property is located within the Two-Unit Residential (R-2) Zoning District and the General Plan Land Use Element category is Two-Unit Residential (RT).
4. The subject property is located within the coastal zone. The Coastal Land Use Plan category is Two-Unit Residential – (30.0 – 39.99 DU/AC) (RT-E).
5. A public hearing was held on August 22, 2013, in the Council Chambers at 100 Civic Center Drive, Newport Beach. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Planning Commission at this meeting.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

Pursuant to Section 15270 of the California Environmental Quality Act (CEQA) Guidelines, projects which a public agency rejects or disapproves are not subject to CEQA review.

SECTION 3. REQUIRED FINDINGS

In accordance with Section 20.52.090 (Variances) of the Newport Beach Municipal Code, the following findings are set forth:

- A. *There are special or unique circumstances or conditions applicable to the subject property (e.g., location, shape, size, surroundings, topography, or other physical features) that do not apply generally to other properties in the vicinity under an identical zoning classification;*
- B. *Strict compliance with Zoning Code requirements would deprive the subject property of privileges enjoyed by other properties in the vicinity and under an identical zoning classification;*
- C. *Granting of the Variance is necessary for the preservation and enjoyment of substantial property rights of the applicant;*
- D. *Granting of the Variance will not constitute a grant of special privilege inconsistent with the limitations on other properties in the vicinity and in the same zoning district;*
- E. *Granting of the Variance will not be detrimental to the harmonious and orderly growth of the City, or endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the neighborhood; and*
- F. *Granting of the Variance will not be in conflict with the intent and purpose of this Section, this Zoning Code, the General Plan, or any applicable specific plan.*

In this particular case, staff believes none of the findings can be made for the following reasons:

1. The subject property is a typical 30-foot by 90-foot lot that is flat, rectangular in shape, and has no distinguishing features from the other Two-Unit Residential (R-2) properties in the immediate vicinity. The zoning change from mixed-use to residential does not constitute a unique circumstance inasmuch as several properties throughout the City have undergone zoning changes and may have nonconforming structures. Each property is granted the same rights under Chapter 20.38 (Nonconforming Structures and Uses) of the Zoning Code.
2. The Zoning Code allows a 50-percent addition to nonconforming structures. This provision is granted to all properties with nonconforming structures regardless of zoning classification. Although maintenance of the existing structure will preclude the property owner from building to the maximum floor area limitation (two times the buildable area). Maintaining the existing structure is the choice of the property owner. If the property owner opted to demolish and reconstruct within the standards, the maximum floor area limit would be permitted. The limitation on additions to

nonconforming structures is intended to encourage conformance over time. Granting of the variance request will substantiate and prolong the life of the nonconforming structure rather than encourage compliance as purposed in Chapter 20.38.

3. The Zoning Code allows a 50-percent addition to nonconforming structures and the applicant is afforded the same property rights granted to other nonconforming properties. The property owner could demolish and reconstruct within the standards which would allow the maximum floor area limit.
4. Granting of the variance will allow a 111-percent addition of the existing square footage whereas the Zoning Code limits additions to nonconforming structures at 50 percent. All other properties within the vicinity are granted the same right if there exists a nonconforming structure. Allowing an addition that is 61 percent greater than what is allowed by code is a special privilege given the nonconforming status of the structure on the property and the fact that all nonconforming structures are granted the same rights under the Zoning Code.
5. Although the subject property is designated for two-family residential use and the granting of the variance would not increase the density beyond what is planned for the area, it will remain nonconforming inasmuch as it does not comply with the Zoning Code and it is not clear whether or not it will result in additional traffic, parking, or demand for other services.
6. There are no special circumstances on the property that warrant the granting of a variance. The Zoning Code intends to promote orderly development consistent with current code regulations. Acknowledgement of the existing structure that encroaches into the entirety of both side setback areas as well as the front setback area is inconsistent with this purpose.
7. General Plan Land Use Policy LU 5.1.5 (Character and Quality of Single-Family Residential Dwellings) discusses compatibility with neighborhood development in terms of density, scale, and street facing elevations. The existing, nonconforming 3-foot encroachments into the required 3-foot side setbacks coupled with the encroachment into the front setback create a street-facing building façade that is inconsistent with other structures in the surrounding area under the same zoning classification.
8. The subject property is not located within a specific plan area.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Planning Commission of the City of Newport Beach hereby denies Variance No. VA2013-002.

2. This action shall become final and effective fourteen days after the adoption of this Resolution unless within such time an appeal is filed with the City Clerk in accordance with the provisions of Title 20 Planning and Zoning, of the Newport Beach Municipal Code.

PASSED, APPROVED AND ADOPTED THIS 22ND DAY OF AUGUST, 2013.

AYES:

NOES:

ABSTAIN:

ABSENT:

BY: _____
Bradley Hillgren, Chairman

BY: _____
Kory Kramer, Secretary

DRAFT

Attachment No. PC 2

Draft Resolution for Approval

RESOLUTION NO. ____

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF NEWPORT BEACH APPROVING VARIANCE NO.
VA2013-002 TO ADD MORE THAN 50 PERCENT OF THE
EXISTING FLOOR AREA TO A NONCONFORMING DUPLEX
LOCATED AT 417 AND 419 EAST BALBOA BOULEVARD
(PA2013-086)**

THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by John Loomis of Thirtieth Street Architects, Inc. on behalf of the property owner, with respect to property located at 417 and 419 East Balboa Boulevard, and legally described as Lot 8 of Block 4 of Tract Balboa in the county of Orange, State of California, as per Map recorded in Book 4, Page 11 of Miscellaneous Maps, in the Office of the County Recorder of said County requesting approval of a variance.
2. The applicant proposes to maintain/remodel the existing 1,785-square-foot duplex and to add 1,989 square feet on the rear of the property including a two-car garage and attached two-car carport. All new construction will comply with the Zoning Code-required development standards. The existing duplex is nonconforming because it encroaches into the required 3-foot side setbacks and 5-foot front setback. Pursuant to the Zoning Code, additions to nonconforming structures are limited to 50 percent of the existing floor area. Therefore, a variance is required to approve the proposed project as it would result in a 111-percent addition.
3. The subject property is located within the Two-Unit Residential (R-2) Zoning District and the General Plan Land Use Element category is Two-Unit Residential (RT).
4. The subject property is located within the coastal zone. The Coastal Land Use Plan category is Two-Unit Residential – (30.0 – 39.99 DU/AC) (RT-E).
5. A public hearing was held on August 22, 2013, in the Council Chambers at 100 Civic Center Drive, Newport Beach. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Planning Commission at this meeting.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

This project has been determined to be categorically exempt under the requirements of the California Environmental Quality Act under Section 15303 Class 3 (New Construction or Conversion of Small Structures), which includes construction of a duplex. The proposed

project is new construction to add onto the rear of an existing structure and maintenance of a duplex development on the subject property.

SECTION 3. REQUIRED FINDINGS.

In accordance with Section 20.52.090 (Variances) of the Newport Beach Municipal Code, the following findings and facts in support of such findings are set forth:

Finding:

- A. *There are special or unique circumstances or conditions applicable to the subject property (e.g., location, shape, size, surroundings, topography, or other physical features) that do not apply generally to other properties in the vicinity under an identical zoning classification.*

Facts in Support of Finding:

Finding:

- B. *Strict compliance with Zoning Code requirements would deprive the subject property of privileges enjoyed by other properties in the vicinity and under an identical zoning classification.*

Facts in Support of Finding:

Finding:

- C. *Granting of the Variance is necessary for the preservation and enjoyment of substantial property rights of the applicant.*

Facts in Support of Finding:

Finding:

- D. *Granting of the Variance will not constitute a grant of special privilege inconsistent with the limitations on other properties in the vicinity and in the same zoning district.*

Facts in Support of Finding:

Finding:

- E. *Granting of the Variance will not be detrimental to the harmonious and orderly growth of the City, or endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the neighborhood.*

Facts in Support of Finding:

Finding:

F. Granting of the Variance will not be in conflict with the intent and purpose of this Section, this Zoning Code, the General Plan, or any applicable specific plan.

Facts in Support of Finding:

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Planning Commission of the City of Newport Beach hereby approves Variance Permit No. VA2013-002, subject to the conditions set forth in Exhibit A, which is attached hereto and incorporated by reference.
2. This action shall become final and effective fourteen days after the adoption of this Resolution unless within such time an appeal is filed with the City Clerk in accordance with the provisions of Title 20 Planning and Zoning, of the Newport Beach Municipal Code.

PASSED, APPROVED AND ADOPTED THIS 22ND DAY OF AUGUST, 2013.

AYES:

NOES:

ABSTAIN:

ABSENT:

BY: _____
Bradley Hillgren, Chairman

BY: _____
Kory Kramer, Secretary

EXHIBIT "A"**CONDITIONS OF APPROVAL****Planning Division**

1. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval. It shall be in substantial conformance with the approved site plan, floor plans and building elevations stamped and dated with the date of this approval. (Except as modified by applicable conditions of approval.)
2. Variance No. 2013-002 shall expire unless exercised within 24 months from the date of approval as specified in Section 20.54.060 of the Newport Beach Municipal Code, unless an extension is otherwise granted.
3. Prior to issuance of building permits, approval from the California Coastal Commission shall be required.
4. Prior to the issuance of a building permit, the applicant shall pay any unpaid administrative costs associated with the processing of this application to the Planning Division.
5. To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of the Hormann Variance including, but not limited to, Variance Permit No. VA2013-002. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

Building Division

6. The applicant is required to obtain all applicable permits from the City's Building Division and Fire Department. The construction plans must comply with the most recent, City-adopted version of the California Building Code (CBC). The construction plans must meet all applicable State Disabilities Access requirements. Approval from the Orange County Health Department is required prior to the issuance of a building permit.

Public Works

7. All improvements shall be constructed as required by the Municipal Code and the Public Works Department.
8. All existing private, non-standard improvements within the public right-of-way and/or or extensions of private, non-standard improvements into the public right-of-way fronting the development site shall be removed.
9. Encroachment permit shall be required for all work activities within the public right-of-way.
10. Additional reconstruction within the public right-of-way may be required at the discretion of the Public Works Inspector in case of damage done to public improvements surrounding the development site by the applicant.
11. All on-site drainage shall comply with the latest City water quality requirements.

DRAFT

Attachment No. PC 3

Applicant's Justification

Hormann Residence Project Description

Remodel existing duplex. Maintain existing non-conforming side yard setbacks. Construct new 2-car garage and 2-car carport, plus add 195 SF at first floor. Construct a new 947 SF addition to the second floor unit above the garage and carport and add a new 502 SF partial third floor. Construct new decks at the second floor (191 SF) and third floor (609 SF). Fire sprinkler existing residence and proposed additions.

Hormann Residence Project Variance Justification

1. There are special or unique circumstances or conditions applicable to the subject property (e.g. location, shape, size, surrounding, topography, or other physical features) that do not apply generally to other properties in the vicinity under an identical zoning classification.

There are special circumstances regarding this specific parcel that have caused the existing conditions to become non-conforming. The existing building was constructed about 1940 when the area was zoned Commercial. The lower floor was a commercial use with a residence above. As a result, the lower floor was built to "0" side yard setbacks. In the 1960's or 1970's, the zoning was changed to R-2. R-2 zoning requires a 3 ft. wide setback at each side yard. The result is that the property that was originally fully conforming to the original zoning is now legal non-conforming.

2. Strict compliance with Zoning Code requirements would deprive the subject property of privileges enjoyed by other properties in the vicinity and under an identical zoning classification.

It is our understanding that strict code compliance would limit the amount of area that can be added to the site to 50% of the existing building area, provided that the parking was brought into conformance. This is substantially less than the two times the buildable area (minus open space) allowed if there was no non-conformity. Therefore, the non-conformity, caused by the city changing the zone has created a hardship for the Owner by reducing the maximum buildable area for the site.

3. Granting of the Variance is necessary for the preservation and enjoyment of substantial property rights of the applicant.

The existing building has been well maintained and is in good condition. It would be a severe financial hardship to remove the existing encroachment into the required side yards. This would make the proposed building expansion financially unfeasible.

4. *Granting of the Variance will not constitute a grant of special privilege nconsistent with the limitations on other properties in the vicinity and in the same zoning district.*

Granting of this Variance application will not create a special privilege because it would allow the construction of the same maximum floor area as allowed elsewhere in this zone.

5. *Granting of the Variance will not be detrimental to the harmonious and orderly growth of the City, or endanger, jeopardize, or otherwise constitute a hazard to the public conveniene, health, interest, safety, or general welfare of persons residing or working in the neighborhood.*

Granting of this Variance will not be detrimental or endanger neightboring properties. We have met with the Fire Department and Building Department to discuss this matter. The existing side yard walls are 8 in. thick CMU construction at the first floor that equal over a 4 Hr. Fire rating. One existing bathroom window on the east side will be infilled. The entire project including the existing building will be fully fire sprinklered. Also, the Fire Department is satisfied with access to the site.

Because the proposed three story addition is located on the rear half of the property, the Planning Department has no concerns about the scale and mass of the project because two story massing is maintained along Balboa Boulevard. They feel that the proposed project will be consistent and compatible to the character of the existing neighborhood.

6. *Granting of the Variance will not be in conflict with the intent and purpose of this Section, this Zoning Code, the General Plan, or any applicable specific plan.*

The granting of this Variance shall not conflict with the intent of this code because the Variance process was created to deal with existing anomalies such as this situation. No precedent is being set because by the approval of this Variance results in the same development rights already enjoyed by neighboring properties in this zone.

Attachment No. PC 4

Applicant's Letter of July 23, 2013

thirtieth street architects inc.

founding principals
john c. loomis, architect
james c. wilson, architect

principal
elwood l. gully, architect

July 23, 2013

City of Newport Beach
Mr. Patrick Alford, Planning Director
100 Civic Center Drive
Newport Beach, CA 92663

Re: Hormann Residence Variance Application
417- 419 E. Balboa Boulevard
PA2013-086

Dear Mr. Alford:

The purpose of this letter is to ask that the City Planning Department reconsider the above referenced project and support of this Variance application due to the following two reasons:

Thirtieth Street Architects, Inc. (TSA) made every serious effort to coordinate with staff on this project, and to make recommendations to our clients based on staff comments and staff support. We met with staff on five (5) different occasions to review various design alternatives. During our last meeting, we met with Jay Garcia to explain that we had been successful in solving technical issues and obtaining support for retaining the existing structure from both the Building and Fire Departments.

The Fire Department felt that the existing 8 inch thick, fully grouted concrete block walls at the side property lines would yield a fire rating of 4-hours, making this a much safer condition than most unrated buildings in the R2 zone. They also requested that both the existing building and the new addition be fully fire sprinklered. The Building Department concurred with the Fire Department comments and also asked that the existing small bathroom window on the east sidewall of the property be removed and infilled with block construction. TSA and our client's were pleased with the Fire Department and Building Department support and felt that their requirements were reasonable.

I explained to Jay, who I have known for 25+ years, that even with the technical problems solved we would not recommend that our clients pursue a Variance unless the planning staff

would support the project. He reviewed the drawings and photos to examine issues such as neighborhood context, mass, and scale of the project and the compatibility of Balboa Boulevard street elevation. Since the proposed three-story addition will be located on the rear half of the site, Jay felt that the existing street elevation is consistent in terms of mass and scale with neighboring properties. He also felt that the project, as proposed, was consistent with, and compatible to the existing neighborhood context and that staff would support this project. I then asked him specifically whether staff would support our Variance application because I was reluctant to proceed without staff support. He said, “Yes”. I relayed Jay’s comments to my clients and, based on his commitment of staff support, they agreed to proceed with the Variance application. At that point in time, I had no idea that Jay would soon retire.

About a month later, upon my return from a trip to Egypt and long hospital stay in Germany, I found out that Jay is retired and that staff is now *not* supportive of our Variance application. We requested a meeting with staff to discuss the matter.

On June 24th, we met with Ben Zdeba and Gregg Ramirez. Ben explained his reasoning in not supporting this Variance as follows:

He did not feel that this application meets the criteria as a unique circumstance; and he also felt supporting the Variance would result in sustaining the existing setback nonconformity for some time into the future.

While we can understand Ben’s point of view, we feel a more in-depth review of the facts clearly shows that the circumstances regarding this project are very unusual and unique to the site and the existing “0” setbacks are not detrimental to the neighborhood visually or from a life safety perspective.

The existing structure was originally constructed in 1940, as a 2-bay commercial space at the first floor and a single-family apartment at the second floor. At that time, the area was zoned C-1 commercial with residential uses allowed at the second floor; the required setbacks at the C-1 first floor commercial space were “0” for front and side yards. The sidewalls located at the property lines were constructed with 8 in. thick concrete block that was fully grouted, equivalent today to a 4-hour rated firewall. The setbacks for the residential unit at the second floor were front 5 ft. and sides 3 ft. Many buildings similar to this structure still exist directly to the east of this property on E. Balboa Boulevard where the zoning is still commercial.

In 1972, the City elected to change the zone in the 400 East Block from commercial to R2. Inherent in any zone change from commercial to residential is the need for 3 ft. minimum side yard setbacks for light and ventilation and egress. This resulting zone change created a new nonconformity at 417 & 419 E. Balboa Boulevard where no nonconformity had existed previously.

Over the years, most of the neighboring older structures began to deteriorate and were torn down and replaced with new, larger duplex units during the 1970's and 1980's. My client's property was apparently very well built and well maintained. The lower floor that was originally a two bay commercial space was apparently converted to a second residential unit in 1972, after the zone change. It is interesting to note that this conversion and remodel to residential use was permitted without any requirement to correct the non-conforming setbacks. I think the City uses the term "legal, non-conforming" to describe this condition, since the work was fully permitted.

When my client's purchased the property in 2008, it was their intent to construct a substantial addition over a new garage and carport addition at the rear of the property and to minimize work at the existing front building. The purpose of the addition was to accommodate family gatherings with their kids and grandkids during holidays and weekends.

There were several design options that we considered. The first was to bring the parking into conformity, but keep the existing setback nonconformities. This approach would limit the size of any addition (including the garage) to 50% of the existing building area, given the existing nonconforming setbacks. This would mean that my clients could add only about 600 sq. ft. of actual living area to the existing building. Unfortunately, they could not accommodate their program requirements within this limited new area.

So, the only remaining options were to either correct the nonconformity, or apply for a Variance. This would allow my client's to fully develop their property to meet their program requirements and build up to 2x the net buildable area minus the open space requirement, just like their neighbors.

To help evaluate correcting the nonconforming setbacks, we have had two reputable contractors look at this building. Both concluded that to increase the side setbacks would require the demolition of the entire existing structure and rebuilding. This would mean that my client's, who have made substantial cosmetic improvements to the upper unit, would have to demolish their perfectly serviceable home and start over with a vacant lot, and rebuild to correct the existing nonconforming setbacks. This would more than double the cost of their proposed project and make it financially unfeasible. So, the only realistic remaining option was to consider a Variance.

While I realize that economic hardship is not a justification for the approval of a Variance, I would hope that the Planning Commission would think that having to demolish an existing duplex to eliminate an existing nonconformity to enjoy normal property rights is a "unique circumstance" particularly when the nonconformity is not detrimental to neighboring properties and the proposed project is consistent with the neighborhood design context.

Regarding Ben's second concern about perpetuating the nonconformity, if the nonconformity is not detrimental to the neighbors, is not a fire hazard or a threat to life safety and is not inconsistent with the neighborhood design context, what is the benefit to the neighborhood or

the city in correcting this nonconformity? The only answer is that the nonconformity would be eliminated for its own sake. Does this really make any sense?

Did the Planning Commission that approved the zone change in 1972 anticipate this kind of anomaly? Yes, they did. That is exactly why the Variance process was included in the Newport Beach Zoning Code: to provide relief from strict code compliance where unusual conditions or circumstances exist.

In conclusion, we ask that staff support this Variance based on the following findings that justify this application:

1. There are special or unique circumstances or conditions applicable to the subject property (i.e. location, shape, size, surrounding, topography, or other physical features) that does not apply generally to other properties in the vicinity under an identical zoning classification.

The existing building was constructed about 1940 when the area was zoned Commercial. The lower floor was a commercial use with a residence above. As a result, the lower floor was built to "0" side yard setbacks. In 1972, the zoning was changed to R-2. R-2 zoning requires a 3 ft. wide setback at each side yard. The result is that the property that was originally fully conforming to the original zoning is now legal, non-conforming.

The circumstances are unique because the correction of the nonconformity would require the complete demolition of the existing duplex.

2. Strict compliance with the Zoning Code requirements would deprive the subject property privileges enjoyed by other properties in the vicinity and under identical zoning classification.

Strict compliance with the zoning code would limit the size of any proposed addition to about 2,600 s.f. or about 1,000 s.f. less than allowed to neighboring properties.

3. Granting of the Variance is necessary for the preservation and enjoyment of substantial property rights of the applicant.

Granting of this Variance is necessary so that my clients will not have to demolish their duplex in order to enjoy their property rights.

4. Granting of the Variance will not constitute a grant of special privileges inconsistent with the limitations on other properties in the vicinity and in the same zoning districts.

Granting of this Variance Application will not create a special privilege because most non-conformities can be corrected without requiring total demolition. This is an unusual and unreasonable circumstance. Also, it should be noted that my clients are

correcting other existing non-conformities such as providing the necessary parking and fire sprinklering at the existing residence.

5. Granting of the Variance will not be detrimental to the harmonious and orderly growth of the city, or endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the neighborhood.

Granting of this Variance will not be detrimental or endanger neighboring properties. We have met with the Fire Department and Building Department to discuss this matter. The existing side yard walls are 8 in. thick CMU construction at the first floor that equal over a 4-hour fire rating. One existing bathroom window on the east side will be infilled. The entire project, including the existing building will be fully fire sprinklered. The Fire Department is also satisfied with access to the site. When completed, this project will be safer than most of the other buildings in this zone.

Because the proposed three-story addition is located on the rear half of the property, the Planning Department had no concerns about the scale and mass of the project and has found it to be consistent and compatible to the character of the streetscape and the existing neighborhood.

6. Granting of the Variance will not be in conflict with the intent and purpose of this Section, this Zoning Code, the General Plan, or any applicable Specific Plan.

The granting of this Variance will not conflict with the intent of this code because the Variance process was created to deal with existing anomalies such as this situation. Full compliance with the Zoning Code would require an unfair and unreasonable remedy. The Variance process was created to provide relief from exactly these types of situations.

Thank you for your consideration of this matter.

If you have any questions, please do not hesitate to contact me.

Very truly yours,



John C. Loomis
Principal

cc: Greg & Sharon Hormann

Attachment No. PC 5

Project Plans

SYMBOLS

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BEDROOM

Room #

Room Name

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2

COLUMN LINE

Letters In One Direction

Numbers In The Other Direction

SPACE IDENTIFICATION

Room Name

Room Number

DOOR SYMBOL

Door Number

WINDOW SYMBOL

Window Number

KEY NOTE

WALL FINISH

REVISION

Cloud Around Revision

MATCH LINE

WORK POINT, CONTROL POINT OR DATUM POINT

NORTH ARROW

SECTION

Section Number

Sheet Number

DETAIL

Detail Number

Sheet Number

INTERIOR ELEVATION(S)

Elevation Number

(Unfold Elevations Clockwise, No Arrows Means Elevation Not Shown)

Sheet Number

PROPERTY LINE

NEW OR FINISHED CONTOURS

EXISTING CONTOURS

ABBREVIATIONS

AD	area drain	HT	height
ADD	addendum	H.M.	hollow metal
ADJ	adjacent		
AFF	above finish floor	LAM PLAS	laminated plastic
ALUM	aluminum		
AP	access panel	MAX	maximum
ARCH	architect(ural)	MIN	minimum
		MET	metal
		MTD	mounted
BC	base cap		
BLDG	building	N	new
BLK'G	blocking	NTS	not to scale
BD	board		
BM	beam		
		O.C.	on center
CAB	cabinet	O/	over
CLG	ceiling		
CLR	clear	PA	planter area
CJ	control joint	PC	post cap
CK	caulking	PLAS	plaster
CPT	carpet	PLYWD	plywood
CT	ceramic tile	PT	paint
CIR	circle		
CONC	concrete	REQ'D	required
		RB	rubber base
DECK'G	decking	RM	room
DP	deep	RO	rough opening
DWG(S)	drawing(s)		
		SCHED	schedule
E	existing	SHTH'G	sheathing
EA	each	SHWR	shower
EL	elevation	SQ	square
EQ	equal	STRUCT	structural
ELECT	electrical	ST	stone
EJ	expansion joint		
EXT	exterior	T	tempered
		THK	thick(ness)
FAB	fabricated	TOW	top of wall
FOF	face of finish	TYP	typical
FIN	finish		
FE	fire extinguisher	V	vinyl
FLR	floor		
FRAM'G	framing	W/	with
FRP	fiberglass reinforced	WI	wrought iron
	plastic panels	WD	wood
FT	foot	WRGB	water-resistant gypsum board
FTG	footing		
GA	gage, gauge	0	diameter
GV	galvanized	@	at
GYP. BD.	gypsum board	&	and

VICINITY MAP



LOT DATA			
DESCRIPTION	REQUIRED/ALLOWED	EXISTING	PROPOSED
LOT AREA (SQ. FT.)	5,000	2,850	2,850
MAX. BUILDING HEIGHT:			
FLAT ROOF	24'-0"	+/- 18'-0"	N/A
SLOPED ROOF, MIN. 3:12	29'-0"	N/A	29'-0"
SETBACKS:			
FRONT	5'-0"	1'-5"	1'-5"
SIDE YARD (WEST)	3'-0"	0'-0"	3'-0" (N) ADDITION
SIDE YARD (EAST)	3'-0"	0'-0"	3'-0" (N) ADDITION
REAR (ALLEY)	5'-0"	54'-0"	5'-0"

PROJECT DATA			
DESCRIPTION	EXISTING (SF)	PROPOSED (SF)	TOTAL (SF)
LIVING AREA:			
FIRST FLOOR	1,127	195	1,322
SECOND FLOOR	658	947	1,605
THIRD FLOOR	0	502	502
SUB-TOTAL:	1,785	1,644	3,429
GARAGE:	0	345	345
TOTAL:	1,785	1,989	3,774
BUILDABLE AREA (SF) = 2 x [(85' x 24') - 306 SF] = 3,774 SF			
DECKS:			
FIRST FLOOR	0	0	0
SECOND FLOOR	353	187	540
THIRD FLOOR	0	608	608
TOTAL:	353	795	1,148

OPEN VOLUME	
LOCATION	TOTAL (SF)
FIRST FLOOR	239
SECOND FLOOR	187
TOTAL	426
TOTAL REQUIRED OPEN VOLUME (SF) = 15' x (85' x 24') = 306 SF	

HORMANN RESIDENCE

417 & 419 EAST BALBOA BLVD.
NEWPORT BEACH, CA 92663

PROJECT SUMMARY

PROJECT ADDRESS:

417 & 419 EAST BALBOA BLVD.
NEWPORT BEACH, CA 92663

DESCRIPTION OF WORK:

REMODEL EXISTING DUPLEX. MAINTAIN EXISTING NON-CONFORMING SIDE YARD SETBACKS. CONSTRUCT NEW 2-CAR GARAGE & 2-CAR CARPORT, PLUS ADD RESTROOMS & STORAGE AT FIRST FLOOR. CONSTRUCT A NEW ADDITINO TO SECOND FLOOR ABOVE GARAGE & CARPORT & ADD A NEW PARTIAL THIRD FLOOR. PROVIDE NEW ELEVATOR. FIRE SPRINKLER EXISTING RESIDENCE & PROPOSED ADDITIONS.

CODE SUMMARY:

ZONING DISTRICT: R-2

APN: # 048-121-07

COMMUNITY ASSOCIATION: BALBOA VILLAGE BUSINESS IMPROVEMENTS DISTRICT

CONSTRUCTION TYPE: V-B

STORIES: 3

APPLICABLE CODES:

2010 California Building Code (CBC)
2010 California Fire Code (CFC)
2010 California Electrical Code (CEC)
2010 California Mechanical Code (CMC)
2010 California Plumbing Code (CPC)

PROJECT TEAM

OWNER

GREG & SHARON HORMANN
419 EAST BALBOA BLVD.
NEWPORT BEACH, CA 92663

PH: (714) 984-4512
EMAIL: sharon@ghormann.com

CONTACT: Greg & Sharon Hormann

ARCHITECT

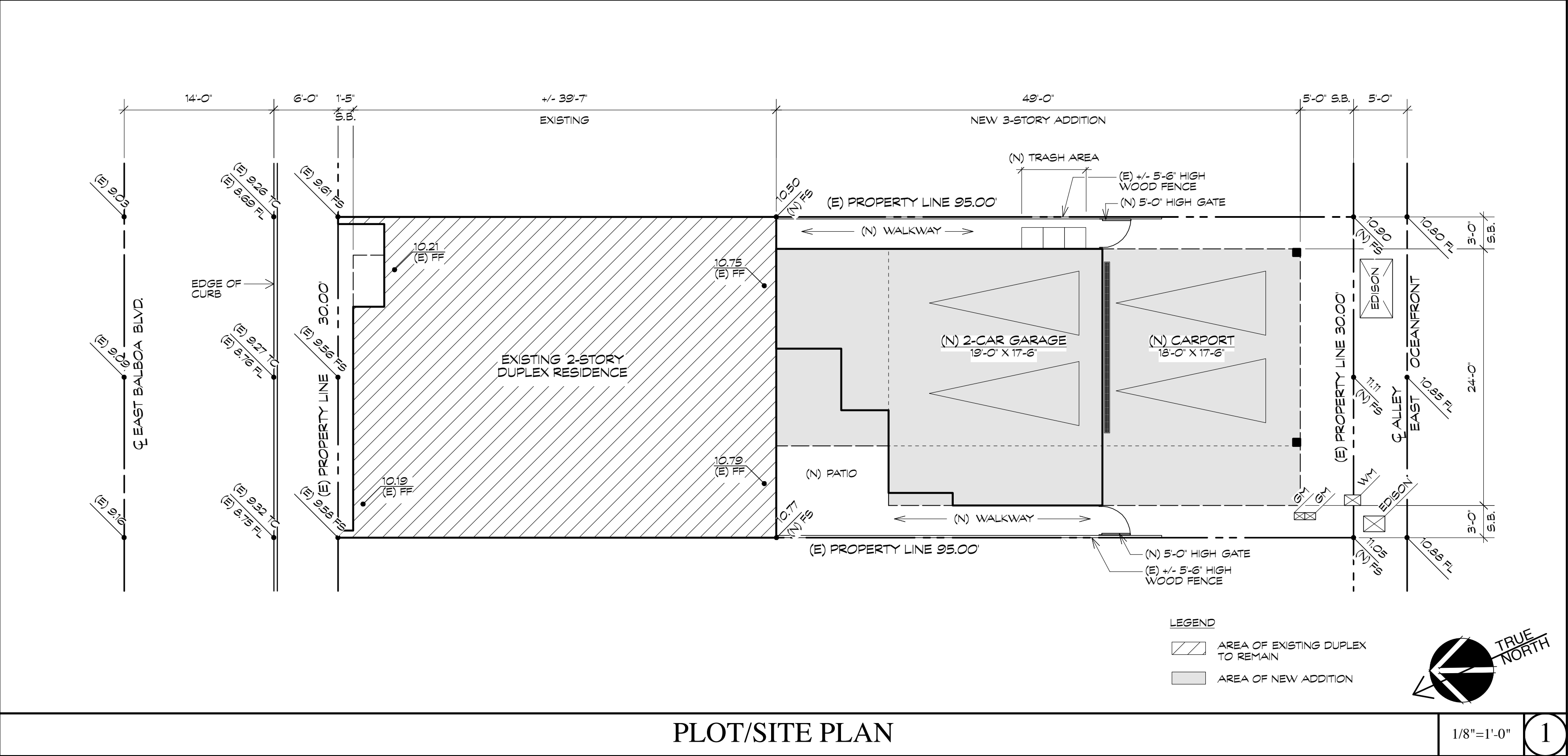
THIRTIETH STREET ARCHITECTS, INC.
2821 NEWPORT BLVD.
NEWPORT BEACH, CA 92663

PH: (949) 673-2643
FAX: (949) 673-8547
EMAIL: tsainc@aol.com
cw@tsainc.us

CONTACT: John Loomis
Carrie Wilde

SHEET INDEX

CVR-1	COVER SHEET & PLOT/SITE PLAN
A-1	EXISTING FIRST & SECOND FLOOR PLANS/DEMO. PLANS
A-2	EXISTING ROOF PLAN/DEMO. PLAN & EXTERIOR ELEVATIONS
A-3	NEW FIRST & SECOND FLOOR PLANS
A-4	NEW THIRD FLOOR PLAN & ROOF PLAN
A-5	NEW EXTERIOR ELEVATIONS
A-6	NEW EXTERIOR ELEVATIONS



thirtieth
street
architects
inc.

2821 newport blvd. newport beach,
california 92663 (949)673-2643

Hormann Residence
417 & 419 East Balboa Blvd.
Newport Beach, CA 92663

COVER SHEET
& PLOT/SITE PLAN
12114

Variance Submittal 04/22/13

CVR-1

EXISTING FIRST & SECOND
FLOOR PLANS/DEMO. PLANS

Variance Submittal 04/22/13

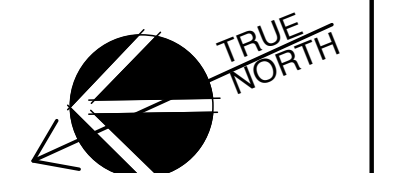
(A-1)



EXISTING WALLS / ITEMS TO REMAIN

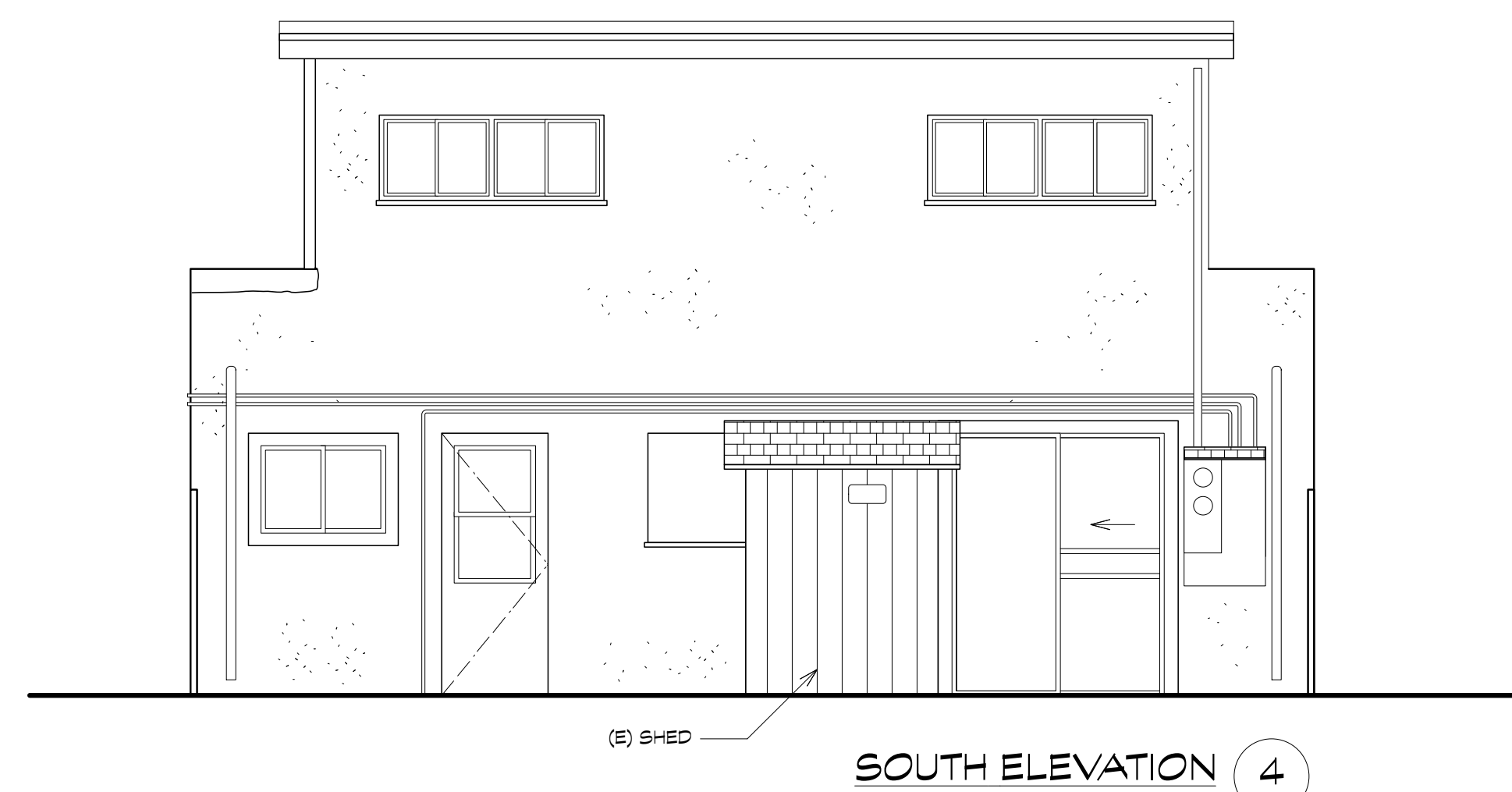
EXISTING WALLS / ITEMS TO BE REMOVED

FIRST FLOOR

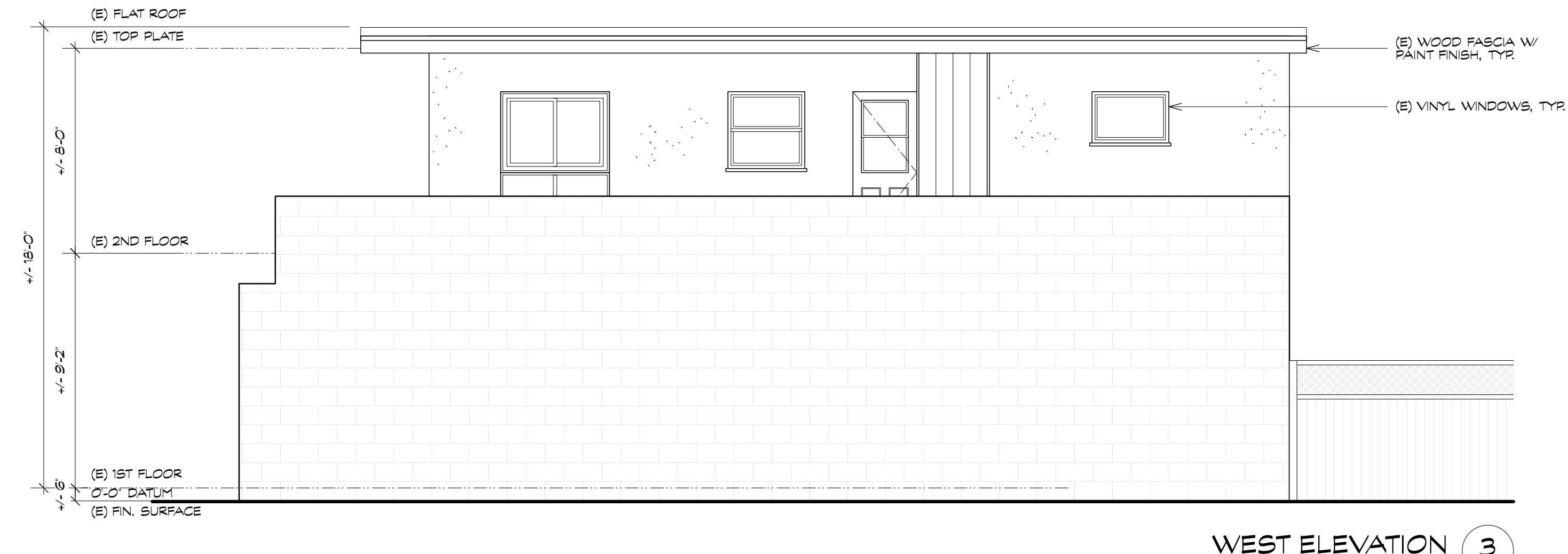


1/4"=1'-0" 1

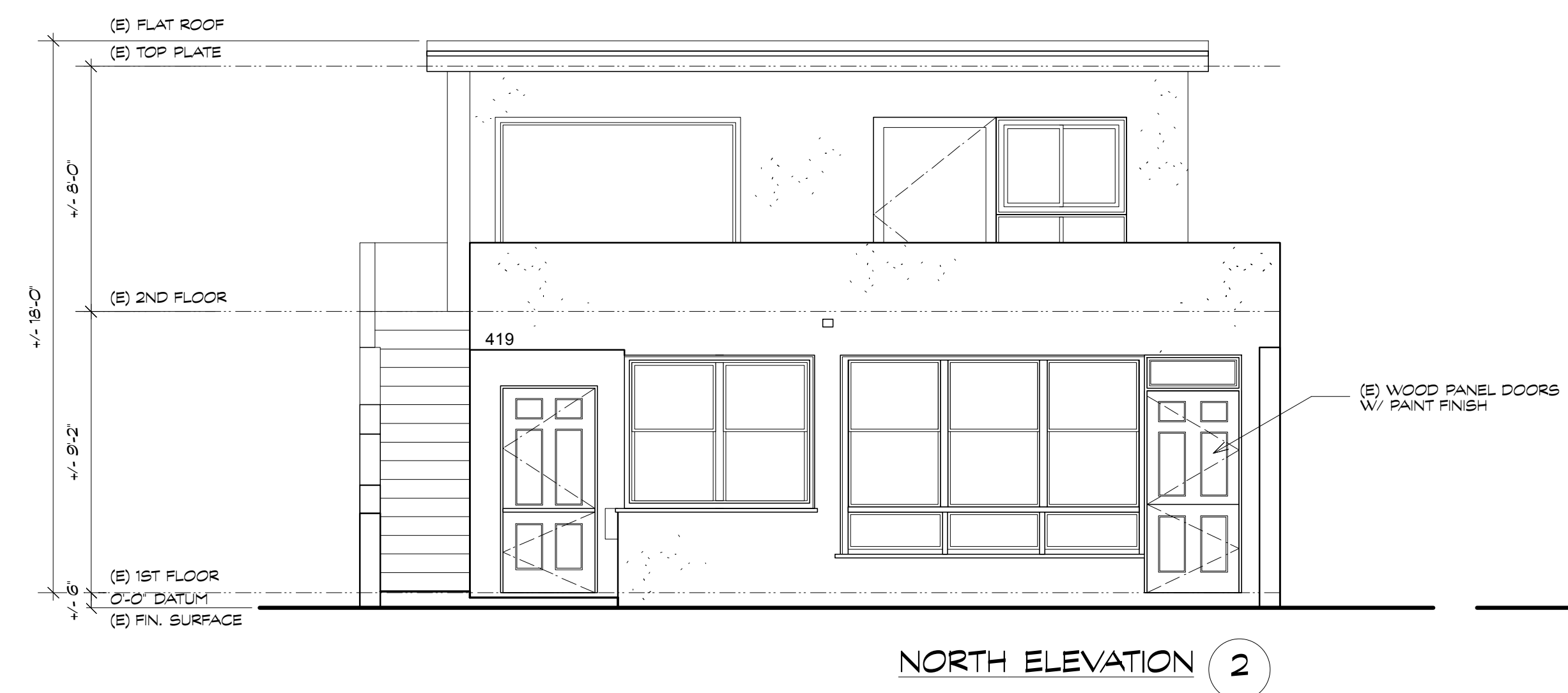
EXISTING FLOOR PLANS/DEMO. PLANS



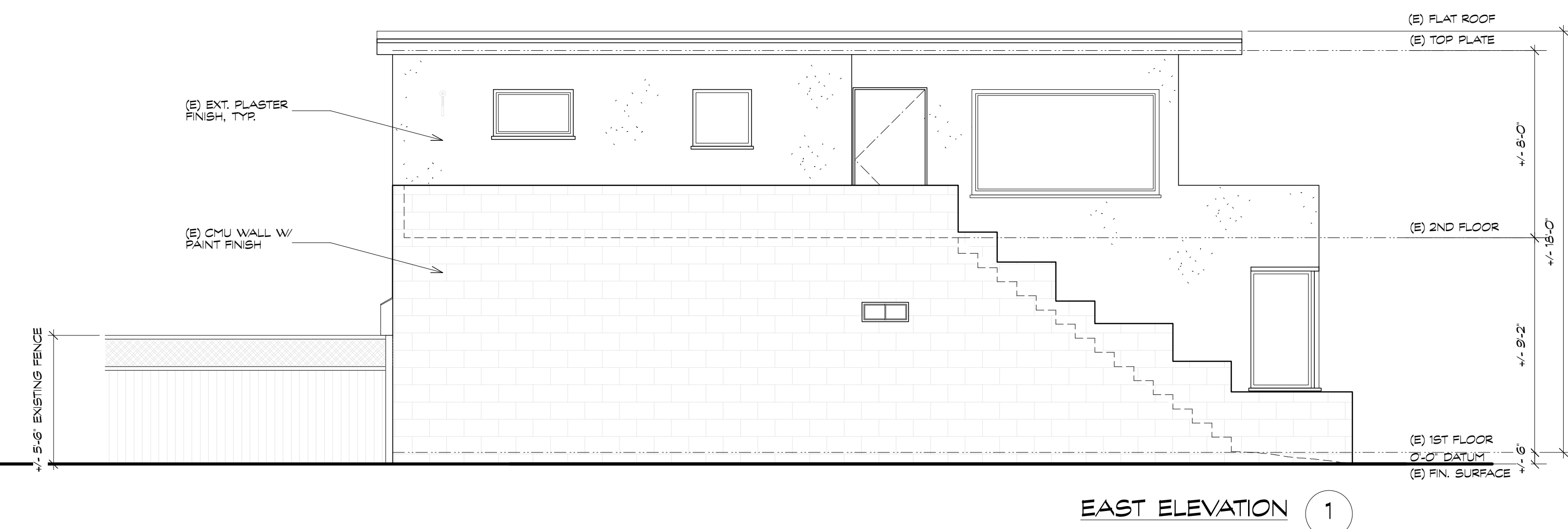
SOUTH ELEVATION 4



WEST ELEVATION 3



NORTH ELEVATION 2

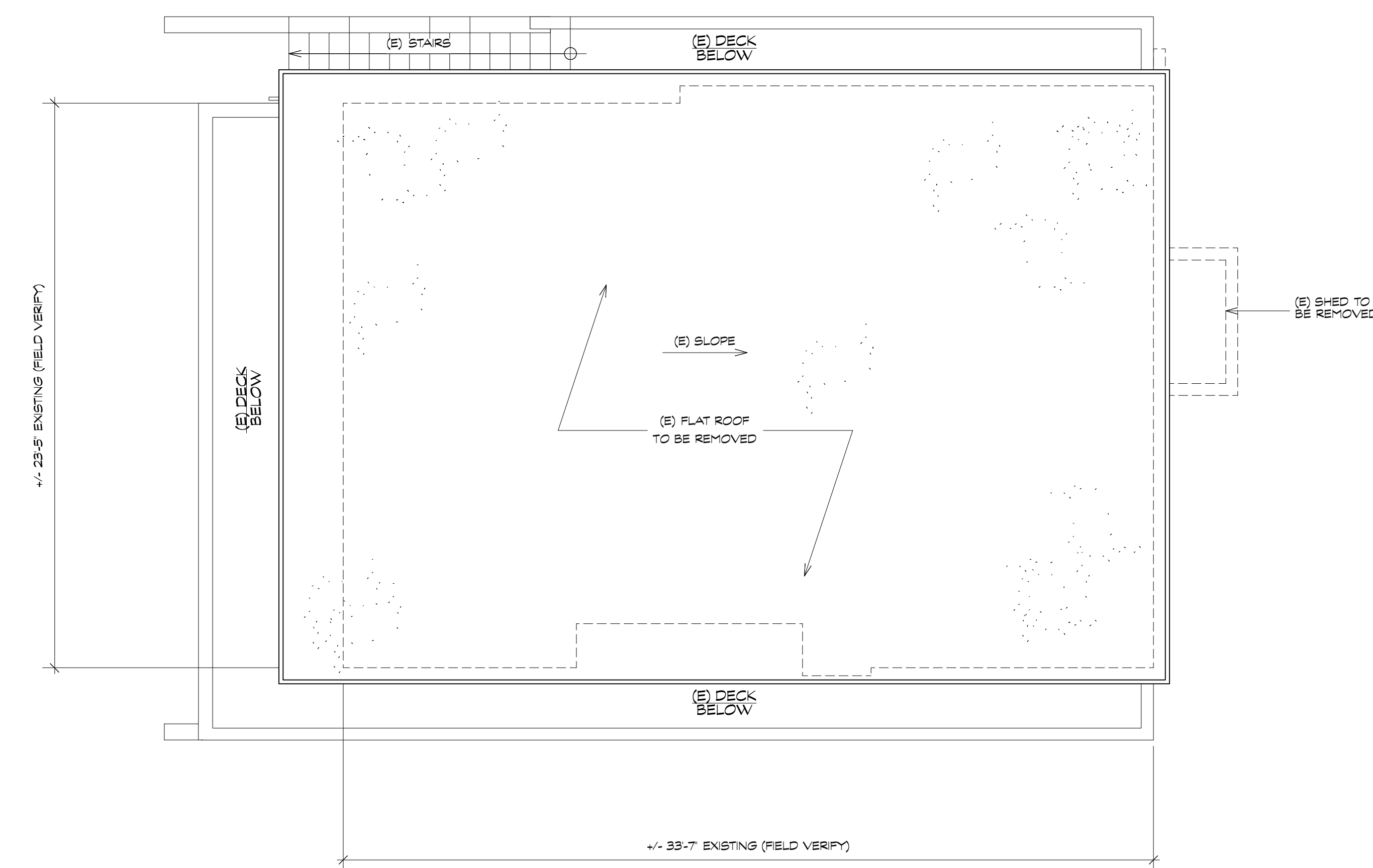


EAST ELEVATION 1

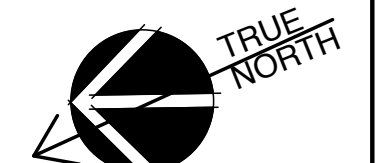
EXISTING EXTERIOR ELEVATIONS

1/4"=1'-0"

2

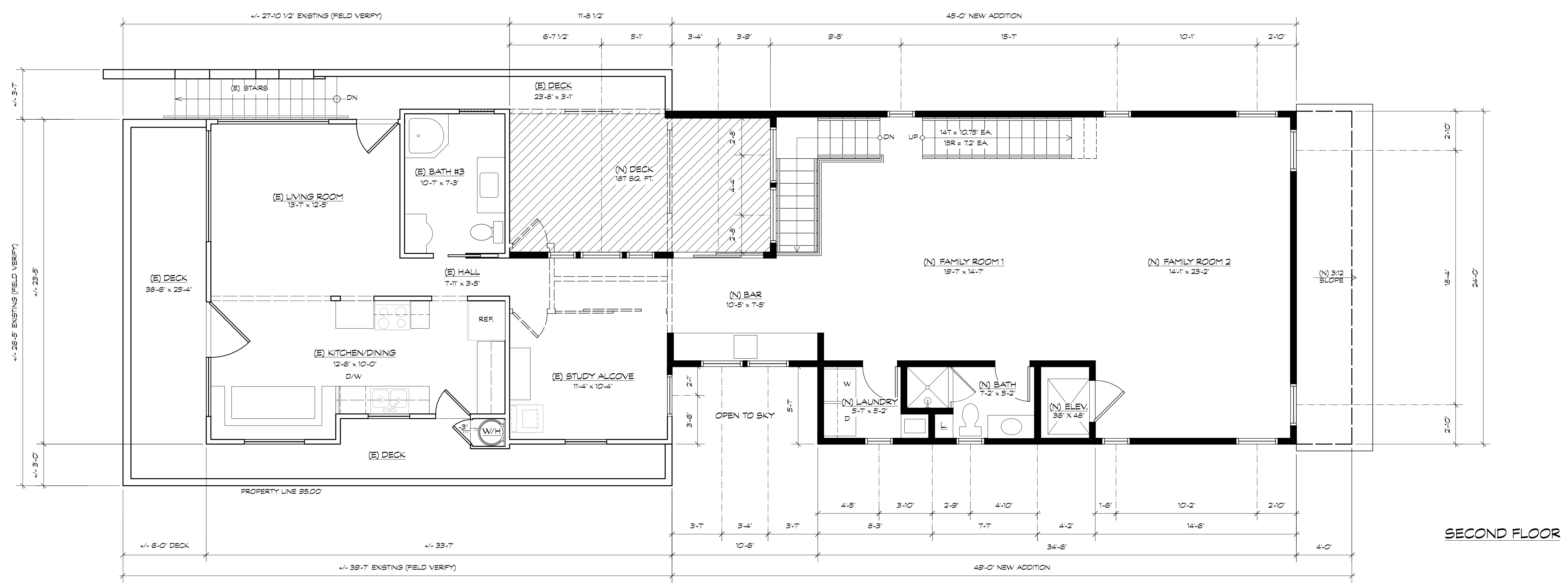


EXISTING ROOF PLAN/DEMO. PLAN

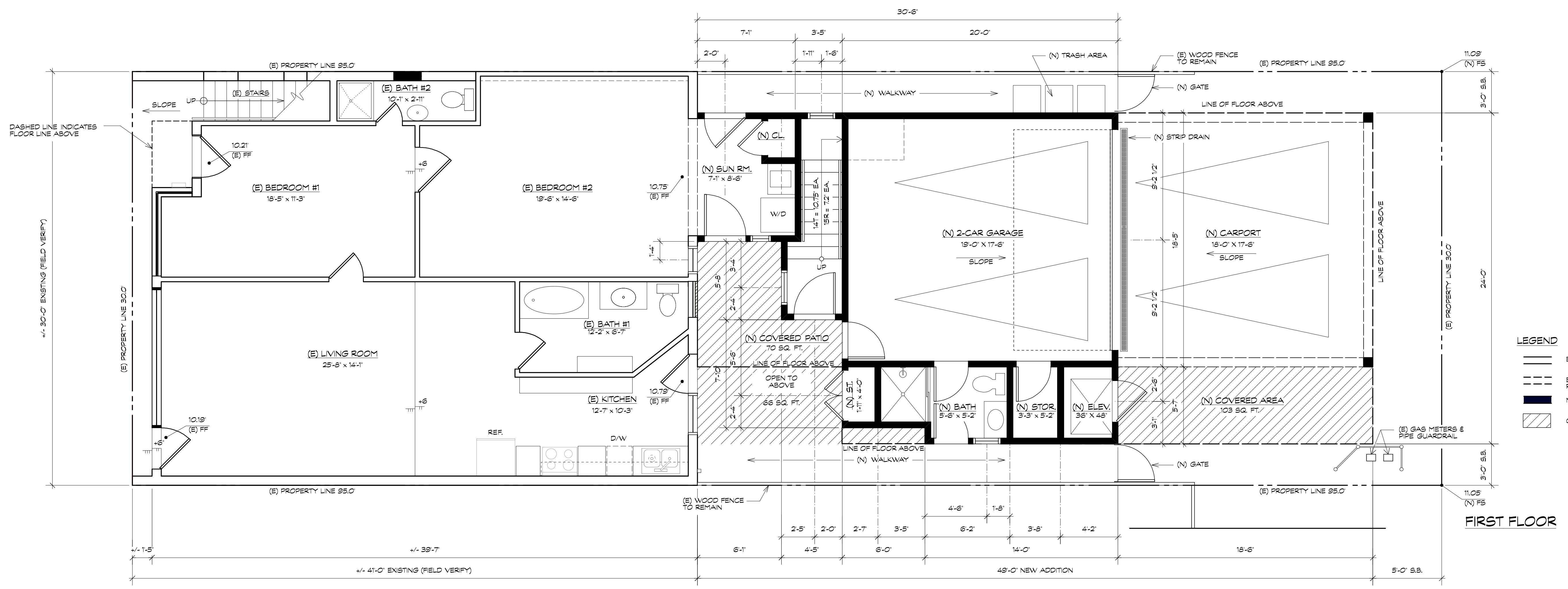


1/4"=1'-0"

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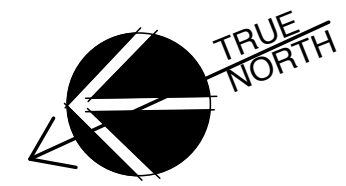


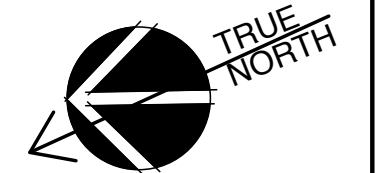
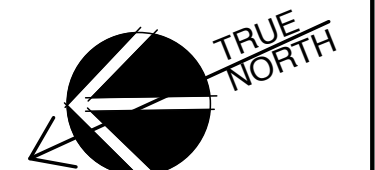
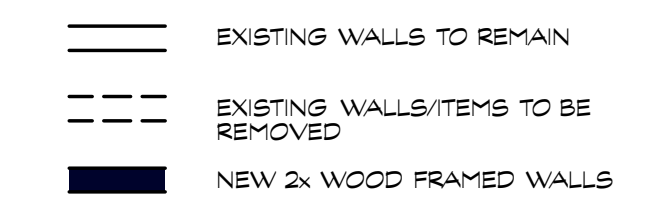
SECOND FLOOR



FIRST FLOOR

- LEGEND
- EXISTING WALLS TO REMAIN
 - EXISTING WALLS/ITEMS TO BE REMOVED
 - NEW 2x WOOD FRAMED WALLS
 - OPEN SPACE AREA




$$1/4'' = 1' - 0''$$

$$1/4'' = 1' - 0''$$

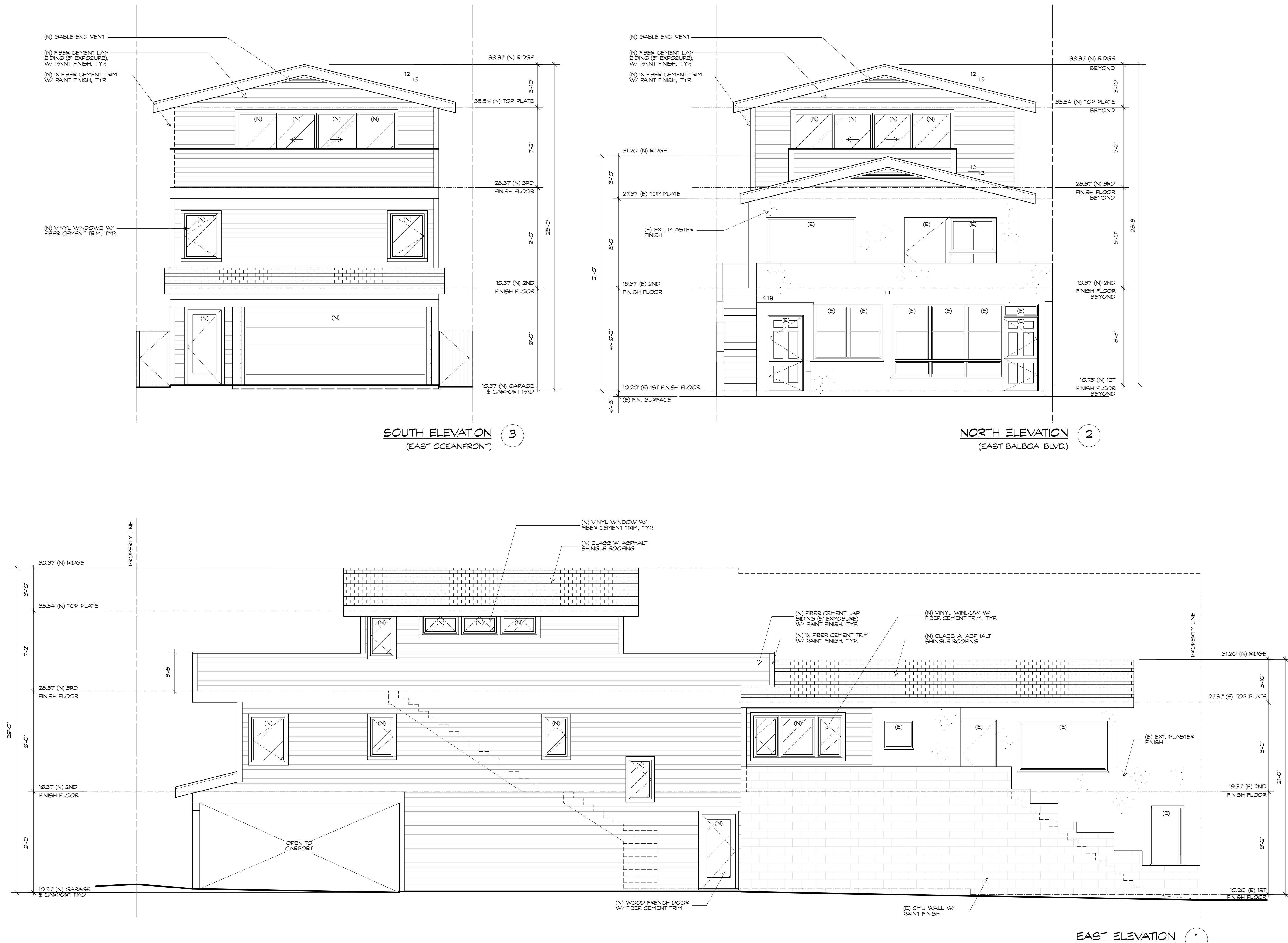
Hormann Residence
417 & 419 East Balboa Blvd.
Newport Beach, CA 92663

NEW EXTERIOR ELEVATIONS

12114

Variance Submittal 04/22/13

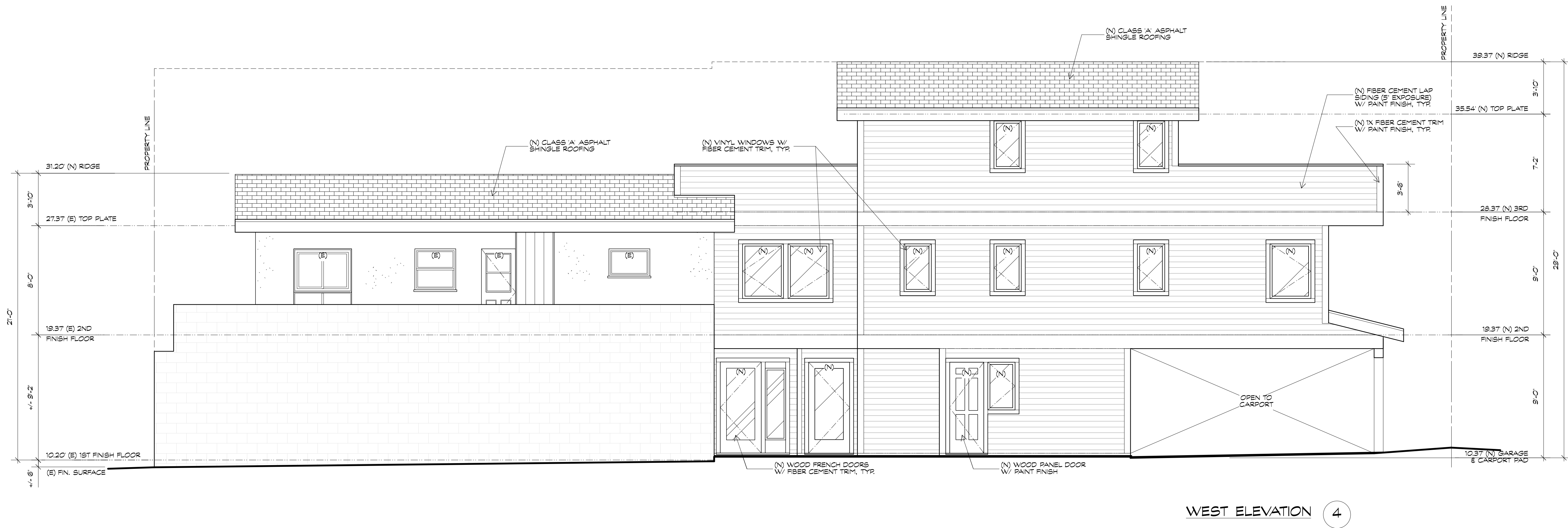
A-5



NEW EXTERIOR ELEVATIONS

1/4"=1'-0"

1



thirtieth street architects inc.

Correspondence
Item No. 2a
Hormann Residence
PA2013-086

founding principals
john c. loomis, architect
james c. wilson, architect

principal
elwood l. gullely, architect

August 21, 2013

Mr. Ben Zdeba, Planning Department
City of Newport Beach
100 Civic Center Drive
Newport Beach, CA 92663

Re: Hormann Residence Variance Application
417- 419 E. Balboa Boulevard
PA2013-086

Dear Ben:

I have found an error in our area summary that affects the % increase of the proposed project. We had inadvertently subtracted the area of this building that we intend to demo as part of the work. The correct summary is attached that lowers the % of the requested addition to 104% of the existing.

If you have any questions regarding the above, please do not hesitate to contact me.

Very truly yours,



John C. Loomis
Principal

cc: Greg & Sharon Hormann

LOT DATA			
DESCRIPTION	REQUIRED/ ALLOWED	EXISTING	PROPOSED
LOT AREA (SQ. FT.)	5,000	2,850	2,850
MAX. BUILDING HEIGHT:			
FLAT ROOF	24'-0"	+/- 18'-0"	N/A
SLOPED ROOF; MIN. 3:12	29'-0"	N/A	29'-0"
SETBACKS:			
FRONT	5'-0"	1'-5"	1'-5"
SIDE YARD (WEST)	3'-0"	0'-0"	3'-0" (N) ADDITION
SIDE YARD (EAST)	3'-0"	0'-0"	3'-0" (N) ADDITION
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PROJECT DATA			
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SECOND FLOOR	*778	947	1,605
THIRD FLOOR	0	502	502
SUB-TOTAL:	1,905	1,644	3,429
GARAGE:	0	345	345
TOTAL:	1,905	1,989	3,774
BUILDABLE AREA (SF) = 2 x [(85' x 24') - 306 SF] = 3,774 SF			
DECKS:			
FIRST FLOOR	0	0	0
SECOND FLOOR	353	187	540
THIRD FLOOR	0	608	608
TOTAL:	353	795	1,148

* 120 SF TO BE DEMOLISHED FROM (E) SECOND FLOOR

OPEN VOLUME	
LOCATION	TOTAL (SF)
FIRST FLOOR	239
SECOND FLOOR	187
TOTAL	426
TOTAL REQUIRED OPEN VOLUME (SF) = 15% x (85' x 24') = 306 SF	

Hormann Variance



Planning Commission
Public Hearing
August 22, 2013



Project Description



- Variance No. VA2013-002
 - Modify existing 1,905-square-foot duplex and add 1,989 square feet
 - Encroachments into the required 3-foot side and 5-foot front setbacks
 - Addition limited to 50 percent of the existing floor area
 - The proposed addition is 104 percent of existing floor area
 - Variance required to exceed 50 percent

Vicinity Map

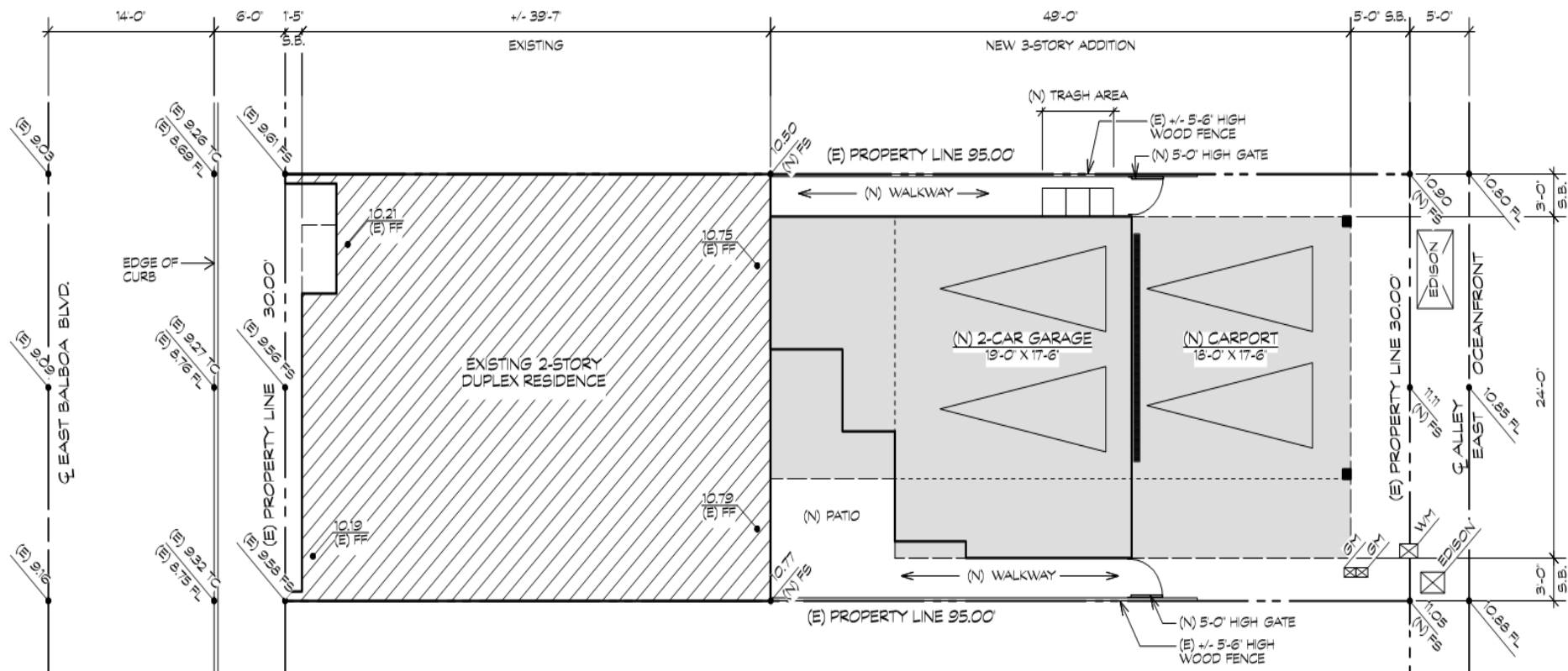


Background



- Developed in 1940 as mixed-use structure
- Districting Map No. 11 adopted to establish a 5-foot front setback
- First-floor commercial converted to residential in 1951
- Rezoned from C-1 to R-2 in 1972
- Rezoned to SP-8, RP in 1994
- Rezoned to R-2 in 2010

Site Plan





Address	Current Development	Building Permit Issuance
423 East Balboa Boulevard	Duplex	New 1972
421 East Balboa Boulevard	Duplex	New 1972
Subject Property	Duplex	Converted 1951
415 East Balboa Boulevard	Duplex	New 1976
413 East Balboa Boulevard	Duplex	New 1976
411 East Balboa Boulevard	Single-Family Residence	New 2001
409 East Balboa Boulevard	Single-Family Residence	New 2001
407 East Balboa Boulevard	Single-Family Residence	Converted 2007
403 East Balboa Boulevard	Seven-Unit Apartment Complex	New 1959

Redevelopment



- New development = 4,080 sq. ft.
- As proposed = 3,774 sq. ft.
- Allowed = 2,857.5 sq. ft.

- Nonconforming = Allowed 50-percent add (952.5 sq. ft.)
- Proposed 104-percent add (1,989 sq. ft.)

Facts

- The lot is of typical size, flat, and rectangular
- Development incompatible with block and surrounding area
- Nonconforming properties granted 50-percent allowance
- ZC Chapter 20.38: “increase conformity over time”
- ZC Purpose: “orderly development consistent with current code regulations”

Recommendation



- Conduct a public hearing
- Deny Variance No. VA2013-002



For more information contact:

Benjamin M. Zdeba, Assistant Planner
949-644-3253
bzdeba@newportbeachca.gov
www.newportbeachca.gov

Site Photo: Rear



Staff Report Exhibit





423

421

419 & 417

415

413

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409

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403

EXISTING PANORAMA



423

421

419 & 417

415

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409

407

403

PROPOSED SCHEME
(EXISTING 0'-0" SIDEYARDS)



423

421

419 & 417

415

413

411

409

407

403

SCHEME REMOVING MODIFICATION
(3'-0" SIDEYARDS)

thirtieth
street
architects
inc.

3251 Newport Blvd. Newport Beach,
California 92662 (949) 753-2642

417 & 419 E. BALBOA BLVD.
NEWPORT BEACH, CA